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Blaw

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

Reeves

Serial No.: 09/739,503

Filed: December 19, 2000

For: **GOLF ROUND DATA SYSTEM WITH
CELLULAR TELEPHONE AND
PLAYER HELP FEATURES**

Attorney's Docket No. 2986-003

Examiner
Jones, Scott E.
Art Unit 3713
Confirmation No. 3128

Raleigh, North Carolina

December 3, 2004

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Sir:

This paper is being filed in response to the Notice of Non-Compliant Amendment dated November 23, 2004. The Notice of Non-Compliant Amendment indicated that the Office Action response dated August 16, 2004 was not in compliance with 37 C.F.R. 1.121 because the claim listing was incomplete. We have corrected the situation by including the claims that had been missing from the response dated August 16, 2004.

In light of the following remarks, Applicant respectfully requests reconsideration and allowance. A check in the amount of \$357 was enclosed with the Office Action response dated August 16, 2004 to cover the cost of eleven additional claims, six of which are independent. We added a total of 21 new claims but canceled 10 claims in this response. We also had previously paid for seven independent claims. If this is insufficient in any way, Applicant submits that this be considered a Petition therefore and the Commissioner is authorized to charge Deposit Account 18-1167.

Adjustment Date: 03/31/2005 SDIRETAT
01/12/2005 EPAYTON 00000001 181167 09739503
01 FC:2202 198.00 CR
02 FC:2201 308.00 CR

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February 15, 2005

Mail Stop 16
Director of the USPTO
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Petition for Refund
U.S. Patent Application Serial No.: 09/739,503
Filed: December 19, 2000
C&B Ref. No.: 2986-003
GOLF ROUND DATA SYSTEM WITH CELLULAR TELEPHONE AND PLAYER
HELP FEATURES

Dear Sir:

On January 12, 2005, the USPTO charged our Deposit Account #18-1167 for a total of \$506.00. We believe that this was an error on your part.

We filed a response to a non-final Office Action on August 16, 2004 that included a check in the amount of \$357 to cover the cost of additional claims. Our check was cashed on August 29, 2004. We then received a Notice of Non-Compliant Amendment dated November 23, 2004 stating that the claim listing was incomplete for the response we filed on August 16. In response to the Notice of Non-Compliant Amendment, we corrected the situation by filing a response including the text of the claims that had been missing from the original response (they had been withdrawn) and indicated that a check had already been sent.

It appears that we received no credit for the \$357 check that was submitted on August 16, 2004. It also appears that you incorrectly counted the claims. We added 21 new claims -- not 22. Also, the PTO changed the amount for claim charges AFTER we filed our response. It appears that you did not take this into consideration when you charged our deposit account.

Based on the foregoing, please deposit \$506 back into Deposit Account #18-1167.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kathleen Koppen".

Kathleen Koppen
Assistant to David E. Bennett

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